

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, *et al.*,

Plaintiff(s)

v.

LAFAYETTE COLLEGE, *et al.*,

Defendant(s)

Civil Action No: 08-CV-4709

Consent Decree

A. This action was instituted by the United States Equal Employment Opportunity Commission (the "EEOC" or the "Commission") on September 30, 2008, against Lafayette College under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 ("Title VII"). In its complaint, the EEOC alleged that Carla Ascani, Shaun Gable, Pamela Pels, Catherine Snyder, Janet Knauss and a class of similarly situated female employees were discriminated against based on their sex.

B. This Consent Decree is entered into by the EEOC and Lafayette College. This Consent Decree shall be final and binding between the EEOC and Lafayette College and its successors or assigns. By entering into this Consent Decree, Lafayette College does not admit any liability to any person or entity, nor does it admit the veracity of any of the allegations made in this civil action.

C. The Commission and Lafayette College do hereby agree to the entry of this Consent Decree, which shall fully and finally resolve all claims which were raised or which could have been raised by the EEOC in its Complaint in Civil Action No. 08-cv-4709.

Upon consent of the Commission and Lafayette College, it is hereby ORDERED, ADJUDGED and DECREED that:

**NON-DISCRIMINATION AND NON-RETALIATION**

1. Lafayette College shall not engage in any conduct that constitutes sexual harassment of any of its employees in violation of Title VII which, in part, is set forth below:

It shall be an unlawful employment practice for an employer –  
(1) to discriminate against any individual with respect to [her] . . . terms, conditions, or privileges of employment, because of such individual's . . . sex . . .

42 U.S.C. § 2000e-2(1). Lafayette College shall not engage in any conduct that constitutes retaliation against any individual who complains of sexual harassment or sex discrimination in violation of the following provision:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by his subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

42 U.S.C. § 2000e-3(a).

**MONETARY RELIEF**

2. Lafayette College agrees to pay monetary relief in the total amount of \$ 1,000,000 to Carla Ascani, Shaun Gable, Pamela Pels, Catherine Snyder and Janet Knauss ("claimants") in full settlement of their federal, state law, and common law tort claims in this civil action. Before the Consent Decree is presented to the Court for approval, the EEOC shall provide counsel for Lafayette College with the exact amount of the total amount set forth above that each claimant shall receive and to whom each specific check should be made payable.

3. The payments made to each claimant from the amount set forth in paragraph 2 are subject to the issuance and filing of, and reporting on, one or more Forms 1099-Misc in the name of the claimant and/or their counsel, and the issuance and filing of, and reporting on, such additional or other reporting forms as may be required by the Internal Revenue Service or any other government taxing authority. In addition, and notwithstanding anything in this Consent Decree

to the contrary, with respect to claimant Janet Knauss, Nine Thousand Dollars (\$9,000.00) of the total monetary relief payable to her will be subject to withholdings for income and payroll taxes (including, without limitation, federal, FICA, medicare, state, local, and unemployment compensation taxes) in such amounts as may be determined by Lafayette College, and the net amount after the deduction of withholdings of taxes will be paid by check payable only to her order; this payment will be subject to the issuance and filing of, and reporting on, a Form W-2 Wage and Tax Statement in her name.

#### **POSTING OF NOTICE**

4. Within ten business days after entry of this Decree, or as soon as practicable, Lafayette College shall post same-sized copies of the Notice attached as Exhibit 1 to this Decree on the bulletin board located at its Easton, PA campus in the area usually used by Lafayette College for communicating with job applicants. The Notice shall remain posted for two years from the date of entry of this Decree. Counsel for Lafayette College shall provide a copy of the Notice, and an indication of the date and location of its posting, to the EEOC counsel of record within ten days of the posting. Lafayette College shall permit a representative of the EEOC to enter Lafayette College's premises for purposes of verifying compliance with this paragraph at any time during normal business hours with prior notice. Lafayette College shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Should the posted copies become defaced, removed, marred, or otherwise illegible, Lafayette College agrees to post as soon as practicable a readable copy in the same manner as hereto specified.

#### **NON-DISCRIMINATION POLICIES**

5. Lafayette College shall electronically and/or by hard-copy re-distribute to all of its employees and distribute to newly-hired employees at its Easton, PA campus, its policy or policies against sexual harassment within 90 days after entry of this Consent Decree.

6. Within 90 days after entry of this Consent Decree, Lafayette College shall advise the EEOC trial attorney of record, Marisol Ramos, Esquire, that its policies against sexual harassment have been re-distributed to all current employees.

#### **SUPERVISOR ACCOUNTABILITY**

7. Lafayette College shall promote supervisor accountability by the following conduct:

(a) Providing anti-discrimination training to supervisory and managerial personnel as set forth in Paragraph 8(a);

(b) Disciplining, up to and including discharge, any supervisor or manager who violates Lafayette College's policies against sexual harassment;

(c) Reiterating to all managers and supervisory personnel the duty to administer their work areas to ensure compliance with Lafayette College's policy or policies against sexual harassment; and,

(d) Reiterating to all of its managers and supervisors to report any incidents and/or complaints of sexual harassment of which they become aware to Lafayette College's human resources department, a supervisor, or a manager.

#### **TRAINING**

8. Lafayette College shall provide training on the requirements of Title VII on the following terms:

(a) Lafayette College will continue to train during the term of this Consent Decree all or substantially all of its managers and supervisors actively working at the Easton, PA

campus, on an employee's rights under Title VII, and the employer's obligations under Title VII, with an emphasis on what constitutes sexual harassment; and how to keep Lafayette College free of such form of discrimination.

9. On an annual basis for the life of this Consent Decree, Lafayette College will provide the EEOC with any and all copies of pamphlets, brochures, outlines or other written materials provided to the participants of the training sessions.

10. On an annual basis for the life of this Consent Decree, Lafayette College shall certify to the EEOC in writing that it has provided the training as outlined in paragraph 8(a). Such certification shall include: (i) the dates, location and duration of the training sessions; and (ii) a copy of the registries of attendance, which shall include the name and position of each person in attendance at each session. Such registries shall be held in confidence by the EEOC, will not be publicly disclosed, and will be used only in connection with this Consent Decree.

#### **DISPUTE RESOLUTION**

11. In the event that either party to this Consent Decree believes that the other party has failed to comply with any provision(s) of the Consent Decree, the complaining party shall notify the other party of the alleged non-compliance within twenty days of the alleged non-compliance and shall afford the alleged non-complying party ten business days to remedy the non-compliance or to satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance within twenty business days, the complaining party may apply to the Court for appropriate relief.

#### **MISCELLANEOUS PROVISIONS**

12. Each Party to this Consent Decree shall bear its own expenses, experts' fees, costs and attorneys' fees.

13. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in Civil Action No. 08-CV-4709.

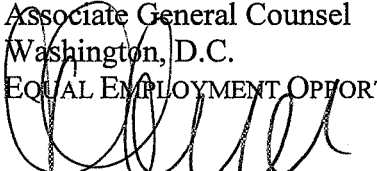
14. Paragraphs A through C, above, are part of and included in the order, judgment and decree of the Court.

15. This Consent Decree shall be filed in the United States District Court for the Eastern District of Pennsylvania and shall continue to be in effect for a period of two years from the date of its entry in the Court Docket, at the end of which the Consent Decree will terminate without any other action by the Court. Any application by the EEOC or Lafayette College seeking an interpretation of this Consent Decree during such period shall be made by motion to the Court on no less than thirty days notice to the other party.


16. Pursuant to this Consent Decree, the lawsuit is dismissed with prejudice. The Court retains jurisdiction over this lawsuit in order to enforce the terms of the Consent Decree.

For Plaintiff EEOC:

James L. Lee  
Deputy General Counsel  
Gwendolyn Young Reams  
Associate General Counsel  
Washington, D.C.  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

  
Debra M. Lawrence  
Acting Regional Attorney  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, PA 19107

For Lafayette College:

  
Barry Simon  
Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C.  
1600 Market Street, Suite 2020  
Philadelphia, PA 19103



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Marisol Ramos  
Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, PA 19107

**IT IS ORDERED:**

**BY THE COURT:**

\_\_\_\_\_  
THOMAS M. GOLDEN  
JUDGE, UNITED STATES DISTRICT COURT

DATE: \_\_\_\_\_

**EXHIBIT 1**

**NOTICE TO ALL LAFAYETTE EMPLOYEES**

This Notice is being posted pursuant to a Consent Decree entered by the Federal Court in EEOC v. Lafayette College Civil Action Number 08-4709 (E.D.PA), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Lafayette College.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, et seq., as amended, ("Title VII"), prohibits discrimination against employees and applicants for employment based upon race, color, sex, religion or national origin. Title VII further prohibits retaliation against employees or applicants who avail themselves of their rights under Title VII by engaging in protected activities, such as opposing employment practices believed to be discriminatory, filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is a federal agency which investigates charges of unlawful employment discrimination. The EEOC has authority to bring lawsuits in Federal Court to enforce Title VII.

If you believe you have been discriminated against, you may contact the Lafayette College's Human Resources office and/or the EEOC at (215) 440-2600. The EEOC charges no fees and has employees who speak languages other than English.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

**This Notice must remain posted for two years from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 801 Market Street, Penthouse, Suite 1300 Philadelphia, PA 19107.**

By: \_\_\_\_\_  
For: Equal Employment Opportunity  
Commission

By: \_\_\_\_\_  
For: Lafayette College